

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance
(916) 322-5662

Administration
322-5660

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322-5901

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322-6441

April 11, 1984

Patrick Carroll Shea
Luce, Forward, Hamilton & Scripps
The Bank of California Plaza
110 West A Street
San Diego, CA 92101

Re: Your Request for Advice, Our
Advice No. A-84-085

Dear Mr. Shea:

You have requested advice on behalf of Susan Golding concerning her 1983 Statement of Economic Interests. Specifically, you inquired whether she must report gifts received from someone with whom she shares a "close personal relationship." You stated that the gifts were not related to Ms. Golding's official position, were not deducted for tax purposes by the donor, and arose solely from the personal relationship between Ms. Golding and the donor.

As you pointed out, in a letter to Ronald Javor (FPPC No. A-78-088), the Commission advised that truly personal gifts to a government official from a lobbyist with whom the official is living in an established relationship are not prohibited and do not have to be disclosed under the provisions of the Political Reform Act.

The Commission staff has consistently given similar advice to persons who, while not living together, are engaged to be married or are involved in an established "bona fide dating relationship." In such a relationship, truly personal gifts, such as gifts of entertainment, meals, personal property or expenses involved in recreational travel, need not be disclosed on an official's Statement of Economic Interests. Such a relationship is similar to a family or spousal relationship, in which personal gifts are frequently exchanged, and in which disclosure of the gifts would not further the purposes of the Act.

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You informed me on the telephone that the gifts Ms. Golding received were truly personal gifts, and were received in the context of an established, bona fide dating relationship. Under these circumstances, she does not have to disclose the gifts. However, as I pointed out to you in our conversation, gifts which are not truly personal in nature, but are primarily related to business activities (such as money to be used for the official's business or to purchase business property) must be disclosed on the official's Statement of Economic Interests, even if they are from a person with whom the official has a bona fide dating relationship. In addition, as I am sure you are aware, since political contributions are not gifts, they are not covered by this advice, and must be reported on an official's campaign statements no matter whom they are from.

I trust this has answered your questions. If you need further advice on this matter, please do not hesitate to call.

Very truly yours,


Barbara A. Milman
General Counsel

BAM:km

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THE BANK OF CALIFORNIA PLAZA

110 WEST A STREET

SAN DIEGO, CALIFORNIA 92101

TELEPHONE: (619) 236-1414

TELECOPIER: (619) 232-8311

LA JOLLA

7817 IVANHOE AVENUE, SUITE 201
LA JOLLA, CALIFORNIA 92037
(619) 459-4011

NORTH COUNTY

GRAHAM INTERNATIONAL PLAZA
2111 PALOMAR AIRPORT ROAD, SUITE 300
CARLSBAD, CALIFORNIA 92008-4815
(619) 438-7333

PATRICK CARROLL SHEA

PROFESSIONAL CORPORATION
PARTNER

DIRECT DIAL NUMBER
(619) 699-2458

April 2, 1984

Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

Attention: Senior Legal Counsel

Re: Request for Advisory Opinion
Request for and Notice of Delay in Filing 1983 Statement
of Economic Interest Pending Advisory Opinion
Ms. Susan Golding, California Deputy Secretary Business,
Transportation and Housing

Dear Sir:

This firm and the undersigned represent Ms. Susan Golding. Ms. Golding is the Deputy Secretary of the Department of Business, Transportation and Housing, a member of the California Coastal Commission and member of the California Housing Finance Agency. Ms. Golding is presently on leave of absence during her campaign for the office of Supervisor for the County of San Diego.

In the course of her campaign, Ms. Golding has requested that I advise her regarding her 1983 Statement of Economic Interest (S.E.I.) report which she is required to file with the Department of Business, Transportation and Housing, as well as the California Housing Finance Agency and California Coastal Commission.

A question has arisen as to the requirement for disclosure of certain personal gifts received by Ms. Golding from a person, not employed by any governmental entity nor as a lobbyist, with whom Ms. Golding shares a close personal relationship. Such person is not Ms. Golding's spouse nor does such person share a non-marital, cohabitational relationship like that addressed in your Private Letter Ruling of May 31, 1978, to

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Mr. Ronald Javor, as Letter A-78-088. Instead, Ms. Golding has a non-marital non-cohabitational relationship with such person, thus falling just outside the Javor opinion.

Like the issue addressed by the Commission in Javor, the gifts received by Ms. Golding were never intended to influence the actions of a government official, nor were they incidental to her official positions in the State of California. Instead, the gifts made to Ms. Golding were incidental to her personal relationship with her companion and completely unrelated to her government position. The cost of the gifts were not deducted for tax purposes by the giver. We wish not to disclose the subject gifts.

In sum, Ms. Golding's relationship with her companion is almost identical to that addressed in the Javor opinion, with the exception that her relationship is non-cohabitational, and her companion is neither a government employee nor lobbyist. As such, I believe that the gifts received by Ms. Golding should be excluded from the definition of income under section 82030(b)(5) of the Government Code, similar to gifts received from an individual's spouse or other close relative. Such a ruling is the only one consistent with Javor that would not otherwise require persons in public office to have a cohabitational personal relationship when a non-cohabitational relationship is desired.

Ms. Golding is most insistent on filing her 1983 S.E.I. report as soon as possible, and I would therefore ask for your assistance in expediting your response.

Please feel free to call me with any questions you have regarding this matter.

Very sincerely,



Patrick Carroll Shea
Professional Corporation
of

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